

COMMISSIONERS APPROVAL

GRANDSTAFF 

ROKOSCH 

THOMPSON 

CHILCOTT 

DRISCOLL 

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta Grandstaff,  
Commissioner Jim Rokosch and Commissioner Alan Thompson

Date.....July 3, 2008

Minutes: Glenda Wiles

► The Board met with Planners Renee Lemon and Vanessa Morrell to discuss the ability to map the farmland soils in GIS. Also present were GIS Director Ken Miller and GIS Technician Mike Snook. It was noted the mapping would be done by an overlay through the existing GIS programs. Map of farm land soils include the following items thus far (these items being subtracted from the soils profile):

1. Residences (w/buffer)
2. Schools (w/buffer)
3. Fire Station (w/buffer)
4. Hospitals (w/buffer)
5. Lots that are 0.5 acre or less
6. Road easements
7. Railroad easements
8. Gravel pits (permitted)
9. Wetlands
10. Bitterroot River
11. Streams (w/buffer to estimate width)

Commissioner Thompson suggested they also add another item; that being what has already been categorized as protected. Discussion included with this knowledge it would bring about the ability to know how many acres are there for these uses. Collectively these categories can be added up and subtracted from the NRCS classification of statewide important soils and eventually the soils of local importance. The information can be utilized for purposes of subdivision mitigation, particularly looking at what would be sufficient mitigation.

Ken asked if they should address Federal land. Commissioner Grandstaff suggested this land be identified. Park land can also be categorized, but it should be public parks not private as that would create another piece of work that would be time consuming at this point. Major canals should also be categorized and an average easement width will be utilized as will those easements be noted in road and highways. Commissioner Rokosch stated this information will not give us 100% accuracy, but it will give them 90%. At that point they can decide if they want to add that other piece of work to categorize the private parks, un-permitted gravel pits etc.

Ken asked if they should remove the entire properties out where there is a structure on it such as a fire hall or commercial building. Discussion took place about what types of properties could be converted into producing farm land. Glenda stated if the discussion ever comes to taking out the asphalt in order to produce food, this discussion won't be necessary because food will then be the most precious commodity as will the land for survival. Commissioner Rokosch stated they would simply need to qualify this removal.

Ken stated they could do a certain width on Federal, State, County and public easements. The buffer will be different for each.

Renee stated after GIS breaks these categories out they will see what has already been classified which can then be further subtracted from the acreage and soils use. The final results could be taken to the working groups such as Right to Farm and Ranch and make sure they do not see any glaring errors. Ken stated it is important for them to have these categories explained as best they can so they are consistent. Renee stated Ken can give his ideas on this list, and then she can sit down again with Commissioner Rokosch to further delineate the process. **The Board concurred.**

► In other business the Board met with Planning Director Karen Hughes for an update. (See attached). Karen stated it is important to keep the staff on their basic assignments, yet it will be necessary to establish some temporary promotions until a new planning director is found. Karen suggested Renee be moved in to the Interim Director position and move John Lavey into the Interim Planner II Subdivision Coordinator. Due to the increase in zoning, and more in house work, she suggests Shaun Morrell be moved to the Interim Senior Planner Position. Karen stated they work as a team and she would like to see this continue. Discussion included the possibility of reallocation of staffing resources from other projects, which is likely to affect the countywide zoning project. In regard to the zoning project this proposal is consistent with the proposed revisions to the timeline and work plan presented by staff. Karen stated she can assist in any transition where she might be needed on a consultant basis. She will be accessible to staff for answering questions. Discussion included the proposed subdivisions that are in the processing period.

Civil Counsel Karen Mahar suggested the Commissioners have a formal exit interview so any issues relative to the Director position can be addressed.

Karen Hughes stated this is a lot of pressure and work to put on this staff and although they are an incredible staff they cannot have any more work put on them.

Shaun discussed the calendar of the zoning project and the revisions to the scope of work. Discussion included the guidance for making revisions to the Draft B, (which will create Draft C), zoning regulations based on public comment. Karen stated for the mapping to proceed; the density issues and draft must be 'pretty firm'. They can fine tune the terms and uses, but how you map is dependant upon the districts. It was agreed to give the table of written public comments on the Draft B zoning regulations to Clarion & Associates.

The Board also discussed the farmland valuation working group memo which addresses some of the issues facing valuable agricultural lands in the county and outlines recommendations for the creation of a farmland valuation working group. Planner Vanessa Morrell stated this memo comes from the previous meeting which includes June 27<sup>th</sup>. She stated they have brainstormed some ideas on the soils. The members from the soils group can merge with the subcommittee of the planning board. This memo (as attached) gives the issues and challenges with how to determine when there are significant impacts on agriculture resulting from subdivisions and how those impacts can be mitigated. It was agreed to keep the working group to nine people who include: Two Planning Board Members (Hillicoss, Bailey); JR Iman as the Conservation District Representative; Neal Svendsen as the NRCS Representative; one Right to Farm and Ranch Representative; one Extension Representative; one Irrigation District Rep; one Farm Bureau Rep; and Vanessa Morrell as the Planning Staff Rep. Discussion included utilizing other members of the community as their expertise is needed. Commissioner Rokosch suggested they also utilize Jill Davies from Sustainable Living as she brings in a good perspective and expertise. Renee stated she will bring Jill's name to the other members in order to ascertain if this person should be added to the working group. Vanessa stated the one limitation to this working group will be the lack of the new extension agent. Discussion included utilizing Helen Atthowe, who is a Missoula Extension Agent, to serve this group until the Ravalli County Extension Agent is able to come on board.

Public Comment from Mr. Roubik who suggested the group be a definable working group and calling in the experts for information as needed. Vanessa stated she has already started a list of the experts.

Stewart Brandborg stated he can see where they are facing new deliberations of this task. Focusing on resource values and land suitability continues to be important but the technical aspects such as water, soils, and wildlife is integral to this process. This information must be dealt with at the local level. He felt there is a heavy dependence upon the Casey Group and the Land Trust to reach those groups for the information that will help the staff. He asked how Clarion could obtain the needed information from the community with a short two hour meeting. He stated he does not see PPRI nor the Land Trust obtaining the necessary information from the community; rather it is the staff that brings the community together for the necessary input. Stewart stated there is no real

way to mitigate farmland and once it is taken out of production it is lost. He asked if they were subject to the big developers after the one for two lapses in November since this zoning project is now on for an August 2009 adoption. Stewart stated while they have worked hard on this, they have avoided the other important issues such as streamside setbacks. He urged the Commission to bring those people who support these setbacks together and get the interim measure in place.

Mr. Roubik stated at the beginning of the Hamilton CPC meetings it was agreed to address the four criteria. When Draft B came out, it addressed more than four criteria. Because of that, they have lost a lot of support in the valley. Draft C should be highly scrutinized by the Planning Staff to make sure it meets the four criteria. If it does not meet the scrutiny, then send it back to Clarion until it is correct. Commissioner Grandstaff stated they discussed that today and the Commissioners concurred.

Mr. Roubik asked if they are still doing basic zoning (the four criteria – setbacks, height, land use and density). Commissioner Grandstaff stated they are still addressing the basic zoning, but as just mentioned by Stewart, some would like streamside setbacks added to this zoning.

Mr. Roubik suggested the next plan be linear and not vertical as presented. It is easy to look at a chart but what was presented this a.m. was not good enough to know what staff is doing what and how much it is. Commissioner Grandstaff stated everyone processes things differently, and she personally likes the narrative that comes with the chart.

Mr. Roubik addressed the streamside setbacks and asked if they could review the draft in order to make it an emergency measure. Then, they can work on the permanent requirements after the emergency is adopted. Commissioner Grandstaff stated they have discussed this quite a bit. They have decided not to enact any emergency zoning because many people feel it will confuse streamside setbacks with zoning and derail the zoning issue. She stated there has been too much effort to risk that in order to put one measure in place. That is a judgment call and their judgment and many others feel they do not want to risk the zoning issue.

Stewart stated the interim measure for streamside setbacks would not cause any issues, just protect the river until a final program is put into place. Many feel the Commissioners need to move and show some progress on protecting the streams from the homes being built along their sides.

Doug Soehren stated his main concern is in the interest of getting zoning implemented, he hopes they do not forget the reason for the zoning is to protect the natural resources. The way zoning seems to be going, in order to accommodate as many people as possible, he is more fearful they will lose sight of the reason for zoning. Therefore maybe an interim streamside setback or some sort of zoning needs to be passed before November. He asked that they give this some thought. Commissioner Grandstaff stated they will give that some discussion.

**Countywide zoning and Planning Department Update**  
**July 3, 2008**  
**9:30 a.m.**

**\*\*\* We MUST get through first three items \*\*\***

1. Overview of proposed Planning Department Transition Plan
2. Extension of timeline and revisions to scope of work for countywide zoning project – including any discussion about a potential interim measure
3. Finalize BCC directive to Clarion regarding revisions to Draft B zoning regulations
4. Presentation of Farmland Valuation Working Group memo
5. Outline of information requested for Planning Director exit interview
- ✓ 6. Set a time for continuation of Dept update – next week

**PLANNING DEPARTMENT TRANSITION PLAN**  
**\*\*\*STAFF RECOMMENDATIONS\*\*\***

**OVERVIEW**

The general goal for this plan is to keep the Planning Department operational with as little change as possible to existing assignments and to keep top priority projects underway, including timely development review and the countywide zoning project. To that end, it is suggested that Renee Lemon be moved to the Interim Director position. To replace Renee's role in subdivision review, John Lavey should be moved to an Interim Planner II Subdivision Coordinator position. In addition, because of the increased zoning project responsibilities and the fact that some of the work intended for consultants is to be accommodated in house, it is recommended that Shaun Morrell be moved to an Interim Senior Planner Position.

**ADMINISTRATION.** This Department has primarily functioned via our management team and it would continue to do so, with the changes in positions noted above and final decisions made by the Interim Director, in consultation with the Board of County Commissioners.

**PROJECT REVIEW.** There should be relatively little change to floodplain management and zoning administration. The latter has been inactive. Subdivision review activities appear to be covered for now, but they may be hampered in the future by a lower staffing level. Administrative staff can help provide additional support. To help cover pending agricultural and irrigation issues related to subdivision, Vanessa Morrell, the Rural and Natural Resources planner, can provide assistance. If absolutely necessary, additional staffing support for subdivision review can come from slowing the countywide zoning project. The activation of the Aspen Springs project may require finding a way to cover consultant review of this project; alternatively, it may require significant reallocation of staffing resources from other projects, which is likely to affect the countywide zoning project.

**COUNTYWIDE ZONING PROJECT.** This proposal is consistent with the proposed revisions to the timeline and work plan presented by staff that includes elongating the timeline to allow for significant revisions to the regulations by Clarion Associates followed by the development of Draft 2 maps by planning staff. This proposal aims for adoption by late spring of 2009.

**OTHER.** It is suggested that most of the "other projects" be only tracked by staff during this interim period with the following exceptions:

- Maintain, as much as possible, support for Rural and Natural Resource planning projects by lending Vanessa's support to related activities in zoning (landowner outreach) and subdivision (addressing agriculture and irrigation issues, as well as maintaining support for streamside management. More active engagement in Rural and Natural Resources and streamside management activities, including the processing of any streamside setbacks proposal will be on hold for now, with the exception that Laura Hendrix has been requested to participate more in subcommittees and she is able to accommodate this as part of her workload.

- Litigation issues may require additional staffing support, most likely Renee's time, depending which cases become active, need for planning staff support from defense counsel and any imposed deadlines.

DECLASSIFIED

## **DEPARTMENT ADMINISTRATION**

- Management Team – helps with overall tracking, identifies issues and assists with problem-solving solutions.
- Renee Lemon – 0.25 FTE overall support to staff and connection with BCC, budget, participates in hiring of new director, oversees grants, overall board support, tracking legal issues including CAO requests & litigation, other general tracking
- Jen DeGroot – 0.25 FTE front office management, budget preparation and management, subdivision support
- Laura Hendrix – nominal time, LiDAR mapping grant administration & closeout
- Karen Hughes – limited consult for final budget preparation and discussion, questions about department administration and grants?

## **MANAGEMENT TEAM**

1. Renee Lemon – Interim Director (*temporary assignment with increased responsibilities & pay during interim period*)
2. Shaun Morrell – Zoning Coordinator/Planner II
3. John Lavey – Subdivision Coordinator/Planner II (*temporary assignment with increased responsibilities & pay during interim period*)
4. Jen DeGroot – Projects Planner
5. Laura Hendrix – Floodplain Administrator



## PLANNING PROGRAM - TOP PRIORITY PROJECTS

### MEET DEVELOPMENT REVIEW TIMELINES (PROJECT REVIEW)

#### SUBDIVISION ADMINISTRATION

- General subdivision project review, including review of amended application for Aspen Springs\*\*\*
- Managing consulting planners with project review and providing assistance
- Subdivision exemption reviews
- Expect development of enforcement program and eventual transition of subdivision exemption research to Planning Department in the future
  
- Staffing support
  - Renee Lemon – 0.25 FTE in advisory capacity and managing consultants
  - John Lavey – 0.5 FTE in subdivision management, 0.5 FTE in subdivision review
  - Tristan Riddell – 1.0 FTE in subdivision review (includes subdivision exemptions and enforcement)
  - Randy Fifrick – 1.0 FTE in subdivision project review (includes subdivision exemptions)
  - Vanessa Morrell – 0.25 FTE assisting with farmland and irrigation issues related to subdivision review and regulation revisions
  - Jen DeGroot & Kim Conder – nominal time assisting with element and final plat reviews

*\*\*\* Aspen Springs review is likely to require significantly more resources than are available, given the need to continue with the zoning project and the loss of a planning director. Even without the latter, we were struggling to figure out how to accommodate this review. Options – see if we can arrange with the applicant to pay for/help pay for an outside consultant to conduct the review (we think this can be done), County budgets for an outside consultant to conduct the review, or divert resources from zoning and other planning projects to cover subdivision review to allow for subdivision planners to take on review of Aspen Springs.*

#### FLOODPLAIN MANAGEMENT

- Laura Hendrix – 1.0 FTE in floodplain management (includes small amount of time for streamside setback committee obligation – Laura has indicated she may be able to work more with subcommittees in the near future)
- Need to cross train in the future for additional program support – started this process with Vanessa.
- Expect increase in time allocated towards violations and enforcement

#### ZONING ADMINISTRATION

- Should be nominal for interim zoning and voluntary zoning district administration (Tristan Riddell and Shaun Morrell)
- Additional administration resources will be needed with adoption of county zoning – at that point shift allocation of Jen DeGroot (appx 0.5 FTE), Projects

Planner, and Shaun Morrell, Zoning Administrator, to zoning administration and assess need for additional resources.

## **COUNTYWIDE ZONING PROJECT**

### **PROJECT MANAGEMENT** (Renee is primary coordinator, Shaun is secondary)

- Oversee budget and grant administration
- Track CPEP including reporting, budget and attending meetings
- Coordinate and strategize with consultants
- Assess and revise timeline/work plan as needed

### **REGULATIONS** (Clarion is primary for regulation revisions, Zoning team of Renee, Shaun and Jen will coordinate)

- Coordinate with Clarion
- Review revisions
- Compile and assess public comments
- Coordinate future workshops and revisions (really only have minor revisions budgeted after Draft C revision)
- Track department and legal review and consult with county officials as necessary

### **MAPPING** (Shaun is primary coordinator)

- Finish assessing public comments on Map 1
- Develop process for revisions to Map 1
- Work with CPCs, CPC coordinators, stakeholder groups, etc. to prepare for revisions
- Develop Map 2 proposal
- Hold public workshops/meetings for Map 2 proposals

### **PUBLIC PROCESS** (Zoning team will coordinate)

- Oversee public process timeline and work plan – Shaun and Renee
- Make sure connection with CPCs is maintained – CPC coordinators
- Coordinate large landowner outreach and engagement - Vanessa
- Coordinate workshops on regulations, mapping work sessions and draft 2 map reviews – Shaun, Renee and Jen
- Oversee preparation of 2<sup>nd</sup> newsletter- Jen?
- Coordinate any further mailings and other activities

### **FORMAL ADOPTION PROCESS** (Shaun is primary coordinator – or new Planning Director)

- Prepare necessary notices throughout process
- Prepare Planning Board hearing drafts and staff PB hearings and make revisions
- Prepare BCC hearing drafts and staff BCC hearings and make revisions
- Prepare BCC adoption proposal and Resolution of Intent to Adopt
- Prepare notice of BCC Resolution of Intent to Adopt
- Assist with assessing protest
- Prepare and notice BCC Resolution to Adopt

PREPARATION FOR ZONING ADMINISTRATION (Jen is primary coordinator, Shaun is secondary)

- Plan for administration and enforcement
- Develop administrative materials
- Plan for creation and management of Board of Adjustment
- Implement

STAFFING SUPPORT OUTLINE FOR ZONING PROJECT

- Renee Lemon – 0.25 FTE assisting with project management and project budget-related activities, including consulting team management, CPEP management, and grant administration
- Shaun Morrell – 1.0 FTE assisting with project management, heading up and conducting mapping activities, limited time for regulations (+ overtime?), assists with development of zoning administration
- Jen DeGroot – 0.75 FTE oversees project logistics, manages budget, coordinates CPCs (Hamilton and Victor) and helps with maintenance of contact with CPCs, oversees development of 2<sup>nd</sup> newsletter and any other mailings, coordinates development of zoning administration
- Vanessa Morrell – 0.25 FTE - Coordinates large landowner outreach and engagement
- CPC coordinators – limited general activities, focus on assistance with mapping for each area, email outreach for upcoming events/meetings, helping arrange open houses & discussion meetings as new drafts arrive, involved in at least two zoning map meetings apiece
  - Florence – Randy, overtime
  - Lone Rock - Shaun
  - Stevensville – Tristan, overtime
  - Victor – Jen, overtime
  - Corvallis – Vanessa, overtime
  - Hamilton – Jen
- Don Elliott/Clarion – Regulations revisions and workshops
- Ben Herman/Clarion – Mapping consult for advice
- PPRI – assist as needed and as resources allow with facilitation
- Karen Hughes – Limited consult for regulation revisions, project management, and to a lesser extent mapping?

**OTHER PROJECTS** (mostly to be tracked by Renee at 0.25 FTE, unless noted otherwise)

RURAL AND NATURAL RESOURCE PROJECTS – Vanessa Morrell (0.5 FTE) is primary coordinator

- Stream and Wetlands Management Program (SWaMP) – for now maintain support for SSC, Laura may help more with subcommittee work
- Rural and Natural Resources Planning (RnR) – ongoing assessment, as time allows
- Open Lands Bond Program – upcoming project reviews
- Environmental Reviews (Director is Environmental Certifying Officer and has to sign off)
- Conservation Easement Reviews – Most likely to occur in fall
- Help with RnR related subdivision and zoning efforts as noted above

LEGAL ISSUES

- Requests for legal assistance from County Attorney's Office – Continue to have Renee process
- Litigation - Renee to track.
  - BFP v. Ravalli County (regarding the Lords Settlement process) – Fully briefed and in the hands of the Supreme Court
  - BFP v. BOA
  - Lords et. al. v. Ravalli County – Settlement signed with 11 plaintiffs and the Court ruled in favor of the County for the remaining 3 suits. Litigation should mostly be complete, but recent plaintiff claimed that the County breached the settlement agreement by denying the variance for Sandhill Ridge.
  - Sardot v. Ravalli County (Saddle Hills) – Scheduling order approved, which puts due dates for various actions out into the future. Expect a settlement proposal in the relatively near future. (Renee was case planner)
  - Floyd Floodplain Violation – Under consideration by the Court (Laura has been involved as floodplain manager)
  - Condominium lawsuits – Court decision this year, resulted in ongoing legal questions about the application of the interim zoning to these proposals.
  - Westmont v. Ravalli County (Aspen Springs) – As noted above, this project is now in subdivision review process, but there is the potential it could return for litigation. (Renee was case planner)
  - Big Sky Development and Morado Mountain LLC v. Ravalli County (Variance denial for Sandhill Ridge and Morado Mtn Estates) – County Attorney's Office requested insurance coverage. (Renee was case planner)
- Legislature – tracking of land use and related legislation should start as the next session moves closer, hopefully after a new director is hired

SUBDIVISION REGULATION UPDATE AND MODERNIZATION – on the horizon, John and Renee are primary contacts, for now collect information, organize, possible preliminary

development of scope of work – will have to wait until zoning project stabilizes and/or new director in place

FLOODPLAIN REGULATIONS UPDATE AND MAP MODERNIZATION – on the horizon, Laura Hendrix is primary contact

ENFORCEMENT PROGRAM – The Planning Department, County Attorney's Office and Environmental Health Department have talked in the past about developing a better enforcement program. This item has been on our list of things to do and with adoption of any zoning, it should be moved up the priority list. During the transition time, we will need to continue to maintain low level enforcement activities that are prioritized for action based primarily on public health and safety implications.

TRANSPORTATION PLANNING – Limit staff involvement during interim and have Renee serve as primary contact for now?

- Greater Hamilton Area Transportation Plan – City/County plan, Dennis Stranger is primary contact for MDT, RCPD needs to track, advise project, and keep BCC informed. Progress to date: funding agreement has been signed, next step is to identify and contract with a consultant, then participate in the planning process.
- Community Transportation Enhancement Projects (CTEP) – Willow Creek pathway/bridges and Florence Schools proposal. Skip is reviewing the consulting services agreement with TLI for Willow Creek Project. Florence schools project was submitted as a Safe Routes to Schools and CTEP project. No SRS funding is available. Commissioners need to decide whether to pursue with only CTEP funding, which will mean a larger local match. – See if BCC will consult with Skip for now for these projects?
- Land Use Clinic highway corridor projects – mostly tracking – The land use clinic has been reviewing our billboard and cell tower ordinances for possible updates and adoption under the authority of zoning. Spring term efforts focused on getting electronic versions in place and conducting preliminary research. Michelle is planning on having a couple of students work on proposed changes during fall term. In the future, the law clinic would like to help us with any Highway Corridor planning and zoning efforts. (Michelle Bryan Mudd is involved in the Bitterroot Parkway project as well.)
- Bitterroot Parkway project (National Endowment for the Arts grant with Kris Komar/Kirsten Lange) – Progress to date – on hold until Spring 2009. Should be marginal amount of work for now, Shaun can track in the future.
- US Highway 93 (Florence to Hamilton expansion project) Community Advisory Committee – Director and Commissioner Thompson are on this committee. Meetings invariably conflict with other projects, C. Thompson has generally attended and KH has tracked by reading minutes.
- US Highway 93 Corridor Plan (Florence to Missoula) Technical Advisory Committee – Director and Commissioner Chilcott are on this committee. Meetings occur every quarter or so

- Missoula Urban Area Transportation Plan Update Technical Advisory Committee – Director is technically on the committee, but never gets notified of meetings, Commissioner Driscoll is on another committee for this project

INTER-JURISDICTIONAL COOPERATION/COORDINATION – Renee serves as primary contact for now; see where this goes during interim

- Hamilton & Stevensville – agreements may result from zoning project activities and may require some staffing assistance and support from CAO.
- Missoula County – Eightmile Creek Road area infrastructure (roads, parks, etc.) issues, coordinated subdivision review, coordinated review of Bitterroot Resort, coordinate Countywide zoning at jurisdictional boundary, Lolo plan implementation – may require staffing assistance in the future.

AIRPORT PROJECTS – Periodically the idea is raised that there needs to be more specific planning work done around the Ravalli County Airport and that perhaps at a minimum our office could serve as a point of contact for folks who need an Airport Influence Area permit. To my knowledge, our department has not been heavily involved over the past 6 years with Airport-planning projects, but it might be something to pursue in the future.

EHD PROJECTS – tracking only for air quality, water source protection project, and any other project that arises

CAPITAL IMPROVEMENTS PLANNING – tracking only – nothing is currently active

IMPACT FEES – tracking only, seems like Finance Dept should be primary contact for county

PARKS BOARD SUPPORT – tracking only – we have significantly reduced support over the past year. In the future, the Parks Board will need some staffing support, but if that is best done through a new parks and recreation program or a parks planning and management position through the Planning Dept has yet to be determined.

GRANTS - research, application and administration to support Department programs, as time allows and opportunities arise – just maintain what we have; no new grants during interim. BCC is looking into developing a better support system for county grants administration. There may be a couple of meetings in the near future. Note: Laura Hendrix, Floodplain Administrator, is planning to pursue a pre-disaster mitigation grant (plan) to elevate/relocate high risk residential structures in floodplain. Application period is June to December 2008.

# Calendar of countywide zoning project events (proposed)

Attachment to Planning Department memorandum of June 30, 2008 **\*\*REVISED JULY 3\*\***

July 2008

| Sunday | Monday  | Tuesday | Wednesday | Thursday | Friday  | Saturday |
|--------|---|---------|-----------|----------|---|----------|
|        |   | 1       | 2         | 3        | 4   | 5        |
| 6      | 7   | 8       | 9         | 10       | NOTE: The timely completion of any task will depend upon the timely completion of all preceding tasks. Any delay of one project component is likely to result in the delay of other components. |          |
|        | Workshops on Draft B regulations  |         |           |          |   |          |
| 13     | 14  | 15      | 16        | 17       | 18  | 19       |
|        | (All month) Planning staff continues synthesizing public comments on the Draft 1 zoning maps, conducts preliminary meetings with stakeholder groups |         |           |          |   |          |
| 20     | 21  | 22      | 23        | 24       | 25  | 26       |
| 27     | 28  | 29      | 30        | 31       |   |          |

August 2008

| Sunday  | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---|--------|---------|-----------|----------|--------|----------|
|   |        |         |           |          | 1      | 2        |
| 3   | 4      | 5       | 6         | 7        | 8      | 9        |
| Preliminary Draft C regulations reviewed by staff, Commissioners, and PB Land Use Subcommittee  |        |         |           |          |        |          |
| 10  | 11     | 12      | 13        | 14       | 15     | 16       |
| Draft C regulations published   |        |         |           |          |        |          |
| (All month) Planning staff continues synthesizing public comments on the Draft 1 zoning maps, conducts preliminary meetings with stakeholder groups |        |         |           |          |        |          |
| 17  | 18     | 19      | 20        | 21       | 22     | 23       |
| Clarion Associates conducts presentation / workshop on the Draft C regulations  |        |         |           |          |        |          |
| 24  | 25     | 26      | 27        | 28       | 29     | 30       |
| (All month) Public meetings, open houses, and other events held as necessary to gather input on the Draft C regulations                             |        |         |           |          |        |          |
| 31  |        |         |           |          |        |          |

## September 2008

| Sunday | Monday  | Tuesday | Wednesday   | Thursday | Friday | Saturday |
|--------|---|---------|---|----------|--------|----------|
|        | 1   | 2       | 3   | 4        | 5      | 6        |
| 7      | Public comment on Draft C regulations due                                       |         |   |          |        |          |
|        |   |         | 10  | 11       | 12     | 13       |
|        |   |         | 17  | 18       | 19     | 20       |
| 14     | 15  | 16      | Planning Department synthesizes Draft C public comments |          |        | 20       |
| 21     | 22  | 23      | 24  | 25       | 26     | 27       |
|        | Planning staff begins meeting with geographic-specific groups on mapping issues |         |   |          |        |          |
| 28     | 29  | 30      |   |          |        |          |

**NOTE:** The timely completion of any task will depend upon the timely completion of all preceding tasks. Any delay of one project component is likely to result in the delay of other components.

## October 2008

| Sunday   | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--|--------|---------|-----------|----------|--------|----------|
|  |        |         | 1         | 2        | 3      | 4        |
| 5  | 6      | 7       | 8         | 9        | 10     | 11       |
| (All month) Planning staff meets with geographic-specific groups on mapping issues |        |         |           |          |        |          |
| 12   | 13     | 14      | 15        | 16       | 17     | 18       |
| Clarion Associates fine-tunes draft regulations and publishes Draft D              |        |         |           |          |        |          |
| 19   | 20     | 21      | 22        | 23       | 24     | 25       |
| Departmental and legal review of Draft D regulations begins                        |        |         |           |          |        |          |
| 26   | 27     | 28      | 29        | 30       | 31     |          |



## November 2008

| Sunday | Monday   | Tuesday | Wednesday | Thursday | Friday   | Saturday |
|--------|--|---------|-----------|----------|--|----------|
|        |  |         |           |          |  | 1        |
| 2      | 3  | 4       | 5         | 6        | 7  | 8        |
| 9      | 10   | 11      | 12        | 13       | <b>NOTE:</b> The timely completion of any task will depend upon the timely completion of all preceding tasks. Any delay of one project component is likely to result in the delay of other components. |          |
| 16     | 17   | 18      | 19        | 20       | 21   | 22       |
| 23     | 24   | 25      | 26        | 27       | 28   | 29       |
| 30     | Planning staff wraps up meetings with geographic-specific groups on mapping issues |         |           |          |  |          |

## December 2008

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---------|-----------|----------|--------|----------|
|        | 1      | 2       | 3         | 4        | 5      | 6        |
| 7      | 8      | 9       | 10        | 11       | 12     | 13       |
| 14     | 15     | 16      | 17        | 18       | 19     | 20       |
| 21     | 22     | 23      | 24        | 25       | 26     | 27       |
| 28     | 29     | 30      | 31        |          |        |          |

Planning staff publishes Draft 2 zoning maps (earliest estimate)

Planning staff begins administrative preparations (ongoing until final adoption)

Completion of photo illustrations by Kestrel Aviation (earliest estimate)

# January 2009

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---------|-----------|----------|--------|----------|
|        |        |         |           | 1        | 2      | 3        |
| 4      | 5      | 6       | 7         | 8        | 9      | 10       |
| 11     | 12     | 13      | 14        | 15       | 16     | 17       |
| 18     | 19     | 20      | 21        | 22       |        |          |
| 25     | 26     | 27      | 28        | 29       | 30     | 31       |

Public comments on Draft 2 maps and Draft D regulations due

NOTE: The timely completion of any task will depend upon the timely completion of all preceding tasks. Any delay of one project component is likely to result in the delay of other components.

# February 2009

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---------|-----------|----------|--------|----------|
| 1      | 2      | 3       | 4         | 5        | 6      | 7        |
| 8      | 9      | 10      | 11        | 12       | 13     | 14       |
| 15     | 16     | 17      | 18        | 19       | 20     | 21       |
| 22     | 23     | 24      | 25        | 26       | 27     | 28       |

Planning Board public hearing draft of maps and regulations published (earliest estimate)

Planning Board public hearings commence (earliest estimate)

# March 2009

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---------|-----------|----------|--------|----------|
| 1      | 2      | 3       | 4         | 5        | 6      | 7        |
| 8      | 9      | 10      | 11        | 12       | 13     | 14       |
| 15     | 16     | 17      | 18        | 19       | 20     | 21       |
| 22     | 23     | 24      | 25        | 26       | 27     | 28       |
| 29     | 30     | 31      |           |          |        |          |

**NOTE:** The timely completion of any task will depend upon the timely completion of all preceding tasks. Any delay of one project component is likely to result in the delay of other components.

# April 2009

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---------|-----------|----------|--------|----------|
|        |        |         | 1         | 2        | 3      | 4        |
|        |        |         |           |          |        |          |
| 5      | 6      | 7       | 8         | 9        | 10     | 11       |
| 12     | 13     | 14      | 15        | 16       | 17     | 18       |
| 19     | 20     | 21      | 22        | 23       | 24     | 25       |
| 26     | 27     | 28      | 29        | 30       |        |          |

Planning Board public hearings conclude; recommendation issued (earliest estimate)

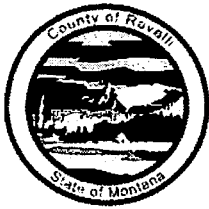
BCC public hearing draft of maps and regulations published (earliest estimate)

## May 2009

| Sunday  | Monday   | Tuesday  | Wednesday | Thursday | Friday | Saturday |
|---|--|--|-----------|----------|--------|----------|
|   |  |  |           |          | 1      | 2        |
|   |  | BCC public hearings commence (earliest estimate) |           |          |        |          |
| 3   | 4  | 5  | 6         | 7        | 8      | 9        |
| 10  | 11   | 12   | 13        | 14       | 15     | 16       |
| NOTE: The timely completion of any task will depend upon the timely completion of all preceding tasks. Any delay of one project component is likely to result in the delay of other components. |  |  | 20        | 21       | 22     | 23       |
|   |  |  |           |          |        |          |
| 24  | 25   | 26   | 27        | 28       | 29     | 30       |
| 31  | BCC public hearings conclude; intent-to-adopt issued (earliest estimate) |  |           |          |        |          |

## June 2009

| Sunday | Monday   | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--|---------|-----------|----------|--------|----------|
|        | 1  | 2       | 3         | 4        | 5      | 6        |
| 7      | 8  | 9       | 10        | 11       | 12     | 13       |
|        | (All month) Planning staff completes administrative preparations               |         |           |          |        |          |
|        | (All month) Processing of written protests                                     |         |           |          |        |          |
| 14     | 15   | 16      | 17        | 18       | 19     | 20       |
| 21     | 22   | 23      | 24        | 25       | 26     | 27       |
|        | Completion of 30-day protest period and adoption of zoning (earliest estimate) |         |           |          |        |          |
| 28     | 29   | 30      |           |          |        |          |



# Memorandum

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**Date:** June 24, 2008  
**To:** Clarion Associates  
**From:** Ravalli County Board of County Commissioners  
**Cc:** Interested members of the public  
**Re:** Guidance for making revisions to the Draft B zoning regulations based on public comment  
**Enc:** Table of Written Public Comments on the Draft B Zoning Regulations (rev. 6/25/08)

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## Board of County Commissioner Action

Having examined the overall patterns of public feedback based on a staff memorandum dated June 4, 2008, the Board of County Commissioners (BCC) forwards the statements and suggested revisions below to Clarion Associates as guidance in the creation of the Draft C zoning regulations. This is neither intended to constitute an exhaustive list of revisions, nor to serve as a substitute for a direct reading of the original public comments, but simply as a means of highlighting the most pressing concerns as expressed by citizens.

This document is accompanied by the BCC's compilation of their own comments, which will help supplement public comments and give further guidance about the types of changes that should be considered in the revision process.

The Commission recognizes that as changes are made to the overall framework of the regulations, some comments may no longer be applicable. At this point, the Commission has not extracted these items from this summary, but it is expected that the consulting team will do this as part of their revisions. The Commission also understands that some recommendations may have unintended consequences. Please consult with us if there is a reason we may want to reconsider any direction we have provided.

The recommended guidance is organized into three parts:

- **General Comments:** Frequently heard remarks made in reference to the overall scope of the Draft B regulations, or to the concept or process of zoning in general
- **Areas of Broad Agreement:** Frequently heard feedback and requested revisions, for which few or no dissenting opinions were expressed in the body of feedback
- **Areas Requiring Further Discussion and Investigation:** Areas of broad interest where opinions diverged widely, showing no clear preference as to how to address a particular problem

## **I. General Comments**

- A. The overwhelming sentiment among both supporters and opponents of zoning is to simplify the regulations and adhere to the basic elements (considered by many to be establishing overall density patterns and avoiding incompatible uses), not to be burdensome to the average landowner with excessive and detailed controls.
- B. There are continuing calls for clear, concise, and plain-language regulations.

## **II. Areas of Broad Agreement**

### **A. Maximize leniency toward agriculture:**

1. Allow agricultural uses in all districts.
2. Remove the 300-foot setback from neighboring residences (Section 3.2[A]).
3. Minimize restrictions on agriculture-related accessory uses (discussed below).
4. Allow auxiliary commercial and industrial uses on agricultural properties as a means of avoiding limitations on farmers and ranchers who need and want to “subsidize” agricultural operations with other business activities.
5. Ensure the ability of agricultural landowners to extract value from their land by providing useful tools. (Guidance is being sought by the Commission from the Right to Farm and Ranch Board and this is something Clarion and Associates should do as well during their work sessions in July.)

### **B. Maximize leniency toward accessory and temporary uses, in particular:**

1. Provide a clear explanation of the difference between primary and accessory uses, and when permits are required, to help resolve concerns that have been expressed. Permits should only be required for conditional uses.
2. Home occupations: remove the limitations listed under Section 3.3(C)(4), including restrictions on the number of employees, building appearance, signage, noise, etc. Assess traffic loading and require on-premises parking for transition/ether and urban districts.
3. Accessory agricultural uses: In all districts, allow private, small-scale, non-commercial agricultural activities such as hobby farms; common domestic animals and livestock; 4-H projects; gardening; structures such as barns and stables; etc.
4. Eliminate the additional standards on accessory uses under Section 3.3, including those addressing dimensional standards, wind turbines, wireless communication antennae, and bed-and-breakfast establishments.
5. Eliminate controls on temporary uses. There was particular concern over the restrictions on the size and frequency of large social gatherings.

- C. Maximize leniency toward non-conforming lots, uses, and structures through the following revisions to Section 1.7:
1. Eliminate the threshold of property destruction/replacement (currently proposed at 75% of the replacement value).
  2. Place no limits on expansion (currently proposed at 150% of the current square footage). The only limitation should be to address on-premises parking and traffic loading in urban and transition/either districts.
  3. Eliminate the time limit pertaining to the cessation of a non-conforming use (currently proposed at 3 years).
  4. Examine provisions addressing non-conforming lots-of-record and find ways to provide further assurance that unimproved lots in existence at the time of adoption can be developed, regardless of the overlying density restrictions. Affirm that non-conforming lots are allowed in perpetuity. There is some concern about the ability of a landowner to meet use and dimensional standards even if maximum densities do not apply; therefore, only require building heights to be met for dimensional standards.
  5. Find an alternative expression for "non-conforming", or avoid the designation altogether, so as not to impose a stigma or negative label that may affect one's ability to obtain financing or sell a property. Question: Is this really a problem for financing or marketability of a property?
  6. Although there are no provisions preventing the purchase or sale of a property in non-conformance, it may help to add further assurance of this right through an explicit statement to that effect.
- D. Zoning administration and enforcement should be "hands-off" to the extent possible. The following recommendations address this issue, as well as concerns expressed about the costs of administering and enforcing the regulations, and the fees that would be charged for permitting:
1. Permitting requirements should be minimal, and the regulations should make it extremely clear as to when a permit is required. To the extent possible, minimize the number of primary and accessory uses for which it is required to obtain a permit by only requiring permits for conditional uses. Instead of using the term "permitted uses" use "allowed uses" and do not require a permit.
  2. The process of acquiring permits should be easy and fair. In the document, state that the County will follow its standard public hearing process for setting or amending zoning fees.
  3. Enforcement procedures must respect residents' privacy and give the benefit of the doubt to the landowner. Respondents were particularly apprehensive about Section 5.4(A)(2)(i), which discusses the Permit Officer's authority to enter a property. Remove this provision.
- E. Remove restrictions pertaining to lighting, parking, screening, fencing, and noise. Although some wrote in favor of these restrictions, or favored their application to urban districts only, the overwhelming sentiment was that Ravalli County is not currently

interested in these types of controls. Only keep lighting provisions for urban and transition/either residential zones and commercial and industrial zones.

- F. Encourage commercial uses to the extent possible; avoid cumbersome regulations that may limit economic growth in the area.

### **III. Areas Requiring Further Discussion and Investigation**

- A. Examine the provisions providing incentives and options for landowners in the lower-density rural-agricultural zones. This is an item on the agenda for a discussion between the Commission and the Right to Farm and Ranch Board. Clarion and Associates should make it part of their discussion with this group and others during their July workshops as well. Please consider the following in regards to these provisions:

1. There is some suspicion that these tools will work, or that they will provide just compensation for what some perceive as a major loss of development rights.
2. Some want the options extended to the higher-density rural-agricultural zones. Consider cluster development in all residential districts.
3. Opinions diverged as to what would be an appropriate ratio of development credits to total acreage in the sending areas, and what would be appropriate base densities and bonus densities for receiving areas.
4. There were some questions as to the effectiveness of using deed restrictions to limit the future development of remaining open space.
5. Some are hesitant to accept subdivisions on a consent agenda without a public hearing (small lot option). (It is worth noting, however, that Montana statute does not require public hearings for first minor subdivisions.)

One possible approach for dealing with some of these issues would be to refine the cluster development and small lot options further, based on public comments. In particular consider cluster/conservation development design provisions that maximize preservation of agricultural lands and habitat conservation opportunities while encouraging development adjacent to infrastructure. Consider suggesting minimum one acre lot sizes for rural districts with additional density bonuses if community water and/or sewer systems are installed.

Also, pull the Transfer of Development Credit provisions to a standalone document (revised as needed). Clarify that it is an option that could be folded back into the regulations (include a placeholder), but that is recommended to be done only after a TDC feasibility study has been completed and following further public review and comment. (The zoning district densities cannot rely on TDCs being part of the draft regulations.)

A Purchase of Development Right (PDR) program could perhaps be included and considered a more feasible tool for landowners than the TDC proposal.

- B. Among a handful of citizens, most of whom were particularly concerned about zoning's impact on private property rights, there was additional suspicion of the takings avoidance procedure. Some viewed this provision as a means of stripping landowners of the right to take the County to court, or as a "test" of a landowner's willingness to fight a burdensome zoning designation. We suggest removing this provision.



- C. There was some discussion of taking an exclusive approach to uses – that is, to specify what is prohibited, and presume all other uses to be permitted. (Conversely, the current proposal lists what is allowed, and presumes all other uses to be prohibited.) The accompanying Commissioners' comments include a suggested approach that may be workable.
- D. Some are concerned about a potential discrepancy between the district standards and the existing lot size. For example, a 100-acre parcel in an RA-5 district is held to the RA-5 standards in terms of uses and dimensional standards. There is some concern that the applicable standards may not be congruent with what is actually appropriate, given the size and location of a particular property. This is largely a mapping issue, but it may be beneficial to address this issue in the regulations, if possible and necessary.
- E. There were several suggestions for improving the Planned Unit Development standards. Opinions varied as to whether these should be more or less restrictive, such as the community benefits described in Section 2.3(D)(4)(b) and the open space requirements under 2.3(D)(4)(c). Please consider specific comments made on this subject and make suggestions for revisions accordingly.
- F. There were several questions addressing the legality of certain zoning tools under Montana law (i.e., can jurisdictions with general governing powers adopt zoning provisions that are not explicitly authorized by state law?). These include:
1. Density restrictions
  2. Planned unit developments
  3. Cluster development
  4. Transfer of development credits
  5. Restrictions on agricultural uses and resource extraction

**Board of County Commissioners  
Public Meetings to Review Draft B Zoning Regulations  
May 22 & 30, June 6, 9, and 13, 2008  
Compilation of Key Comments**

**Discussion about the Content of Draft B Regulations:**

The Board discussion is intended not to replace, but rather to enhance the public comments received and documented in the Commissioners' memorandum dated June 25, 2008 to Clarion and Associates.

**Key Items from Discussion:**

**General Approach**

We need to get back to "what do we want to accomplish" – the following were agreed upon by everyone present:

- **Separate conflicting land uses – especially big conflicts** – race tracks, gravel pits, mobile home refurbishing businesses, adult uses, wrecking yards, major commercial/industrial uses (not so much light commercial and cottage industry), significant subdivisions (high density and large in size)
- **Manage growth (density/uses) to encourage it closer to existing infrastructure and services**
- **Comply with the law**
- **Maintain balance of rural and urban character in this valley**
- **Respect private property rights**
- **Agriculture – maintain viability as well as ability to extract value for whatever reason**
- **Keep regulations as simple as possible** (not as much for planners, but for the public)
  - Use of language - terms
  - Organization of document
  - Procedures – administration, enforcement, permitting, etc.
  - Concepts – from reading the document it should be clear what the County's policies are in terms of how we treat agriculture, how we treat residential uses, how we treat home-based and small businesses, how we treat major conflict uses such as race tracks, gravel pits, wrecking/junk yards, heavy industrial and SOBs

**Nonconformities (Chapter 1)**

Keep it simple philosophy applies: Grandfather non-conforming situations.

**Districts (Chapter 2)**

Limit residential districts to three as follows:

- **Rural Residential-** maximum density – 1 dwelling per 10 acres (and maybe 1/40 for dryland areas, based on current irrigation practices and/or designated floodplain areas– not sure this was agreed to – The Commission was somewhat split about the idea of 1/10)

being the maximum density especially in rural areas. Further discussion will occur with the Right to Farm and Ranch Board on Friday, June 27<sup>th</sup>.) Also discussed:

1. no minimum lot size
  2. incentives for cluster development – at least 50% density bonus/maybe up to 100% density bonus?
  3. Purchase of Development Rights – include it in regulations or as a separate document
  4. TDCs are an unknown – need to keep it as an option in a separate document – clearly note that this tool requires a study to effectively implement, also resolve legal question
- **Town or Urban Residential** – no maximum density, other than whatever can be accommodated by water/sanitation (Mapping Issue: Not sure about geographic area – one option would be within a certain distance of water/sewer – will need to work with sewer districts/towns, this does not fully address the need for inter-local agreements with towns in regards to using their zoning districts/standards)
  - **Transition (or Either) Residential**- maximum density (1/1) (Mapping Issue: Not exactly sure how this would play out on the ground – concentric circles and/or designating existing builtout areas?)

#### **Use Regulations (Chapter 3)**

- See revised use table: Commissioners went through and listed which uses should be allowed (no permit required), conditional and for a few, prohibited
- There was some discussion about determining when home-based businesses transition from small operations to a real commercial entity that could create issues in a neighborhood and how to deal with this situation
- Commercial use should be permitted based on the availability of parking of the parcel in question (including lot frontage)
- Create a new district for adult uses and add specific definitions so that it does not get confused with indoor amusement
- Create a “Prohibited” category
- Separate local recycling/collection from the waste and recycling category.

#### **Development Standards (Chapter 4)**

- For the most part, design standards including landscaping, screening, lighting, parking, should be removed from zoning. Limited use of lighting for urban, transitional, commercial and industrial districts. On-premises parking and traffic issues should be addressed for home-based businesses and non-conforming uses.

#### **Administration and Enforcement (Chapter 5)**

- Remove Section 5.5A – If a use is allowed, people do not need permits. Replace that section with a sentence saying “Any permitted, accessory or temporary use is allowed without a permit.” Permits would be required only for conditional uses.
- Overhaul Section 5.6 – May need legal advice as to what to keep in this section and the rest of the chapter

### **Other**

- Major issues of conflict in county are over noise, dust, smell, traffic and light (people also want similar densities)
- Separate rural/urban uses: err on the side of allowing businesses in rural areas and have more rules in the urban areas
- Concerns about areas around existing incorporated cities/towns: Could send out a notification to landowners of what city requirements are, but we can't impose city zoning. Hamilton wants to define the growth area by geographical barriers (like the river). Keep transitional areas around towns simple, limited to compatible setbacks, densities, heights, and land uses. Areas around town centers with only sewer districts (unincorporated communities) are going to be more difficult to deal with.
- Provide Code of the West to people who move here from out of state and who expect a higher level of service than is currently available.

| PRIMARY Use Table (Accessory or secondary uses are addressed differently)                        | Rural (1/10+) | Urban/Either (1/1 and greater) | Institutional |   | Industrial | Notes  |
|--|---------------|--------------------------------|---------------|---|------------|--|
| <b>Agricultural</b>  |               |                                |               |   |            |  |
| Agricultural Uses  | A             | A                              | A             | A | A          |  |
| Commercial kennel, or Veterinary service   | A             | C                              | C             | A | A          |  |
| Commercial agricultural processing and storage facility  | A             | C                              | C             | A | A          |  |
| Farm stand   | A             | A                              | A             | A | A          |  |
| Feed store or storage facility   | A             | A                              | C             | A | A          |  |
| Guest ranch  | A             | A                              | P             | A | P          |  |
| Intensive agricultural operations  | A             | C                              | P             | C | A          | including feedlots, rendering plants, slaughter houses - need definition |
| Stables  | A             | A                              | A             | A | A          |  |
| Resource extraction and processing   | C             | C                              | C             | C | A          |  |
| Riding arena, animal training facility   | A             | C                              | C             | A | A          |  |
| <b>Residential</b>   |               |                                |               |   |            |  |
| Dwelling, multi-family   | C             | A                              | C             | A | P          |  |
| Dwelling, single family (etc.)   | A             | A                              | A             | A | P          |  |
| Dwelling, two-family   | A             | A                              | A             | A | P          |  |
| Manufactured home park (NEW)   | C             | C                              | P             | C | P          |  |
| Manufactured home, Class B   | A             | A                              | A             | A | P          |  |
| Manufactured home, Class B or C, existing  | A             | A                              | A             | A | A          |  |
| Townhouse  | C             | A                              | C             | C | P          |  |
| Community residential facility (8 or fewer)  | A             | A                              | A             | A | P          |  |
| Community residential facility (9 or more)   | A             | C                              | A             | A | P          |  |
| Daycare center (13+)   | A             | A                              | A             | A | P          |  |
| Daycare center (12 or fewer)   | A             | A                              | A             | A | P          |  |
| <b>Public/Institutions</b>   |               |                                |               |   |            |  |
| Airport/landing field  | C             | C                              | C             | C | C          |  |
| Cemetery, crematory & mausoleum  | A             | A                              | A             | A | P          |  |
| Health care facility   | A             | A                              | A             | A | P          |  |
| Military installation  | C             | C                              | A             | C | C          |  |
| Open land owned by public agency/government  | A             | A                              | A             | A | A          |  |
| Park   | A             | A                              | A             | A | A          |  |
| Public and non-profit exhibit, library, museum, and art gallery                                  | A             | C                              | A             | A | C          |  |
| Public and quasi-public building or use (includes place of religious worship or public assembly) | A             | A                              | A             | A | A          |  |
| Utility installation, major  | C             | P                              | C             | C | A          |  |
| Utility installation, minor  | A             | A                              | A             | A | A          |  |
| <b>Commercial</b>  |               |                                |               |   |            |  |
| Contractor, woodworking or machining shop  | A             | C                              | C             | A | A          |  |
| Heavy equipment and farm machinery sale, rental, and repair                                      | A             | C                              | C             | A | A          |  |
| Mini-warehouse   | A             | C                              | C             | A | A          |  |
| Wholesale and bulk goods   | C             | C                              | C             | A | A          |  |
| Adult use  | P             | P                              | P             | P | C          |  |
| Casinos, NIGHTCLUB, BARS   | P             | P                              | P             | C | C          | separated nightclubs and bars from microbreweries                        |
| Indoor amusement, entertainment, or recreational facility  | A             | A                              | A             | A | A          |  |
| Outdoor recreational or entertainment facility   | C             | C                              | P             | A | A          |  |
| Outdoor recreational activity, non-developed   | A             | A                              | A             | A | A          |  |
| Meeting halls, fraternal clubs   | A             | A                              | A             | A | A          |  |
| Microbrewery   | A             | C                              | P             | A | A          | separated from bars and nightclubs                                       |
| Restaurant   | C             | C                              | A             | A | A          |  |
| Winery   | A             | C                              | P             | A | A          |  |
| Hotel/motel  | C             | A                              | C             | A | P          |  |
| Recreational vehicle park or campground  | A             | C                              | P             | C | A          |  |
| General retail establishments and service  | C             | C                              | P             | A | A          |  |
| Neighborhood retail and service facility   | A             | A                              | A             | A | A          |  |
| Shopping center  | C             | C                              | P             | C | A          |  |
| Financial service  | C             | A                              | C             | A | A          |  |
| Medical office/clinic  | A             | A                              | A             | A | A          |  |
| Personal and business services   | A             | A                              | A             | A | A          |  |
| Professional office (government or private)  | A             | A                              | A             | A | A          |  |
| Printing and publishing  | A             | A                              | A             | A | A          |  |
| Parking, public  | A             | C                              | A             | A | A          |  |
| Vehicle fuel sales   | C             | C                              | P             | A | A          |  |
| Vehicle repair   | C             | C                              | P             | A | A          |  |

A = Allowed uses (no permit)

C = Conditional use permit required

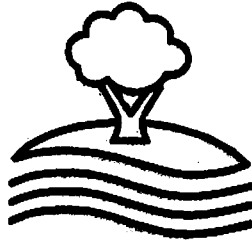
P = Prohibited uses

| PRIMARY Use Table (Accessory or secondary uses are addressed differently) | Rural (1/1C+) | Urban/Either (1/1 and greater) | Institutional |   | Industrial | Notes   |
|---|---------------|--------------------------------|---------------|---|------------|---|
| Vehicle sale and rental   | C             | C                              | P             | A | A          |   |
| Vehicle service   | C             | C                              | P             | A | A          |   |
| Industrial  |               |                                |               |   |            |   |
| Bulk storage of flammable liquids or gasses or other hazardous materials  | C             | P                              | P             | P | C          |   |
| Heavy industry  | C             | P                              | P             | P | A          |   |
| Light industry  | A             | C                              | C             | C | A          |   |
| Transportation services   | A             | C                              | C             | C | A          |   |
| Warehousing and storage   | A             | C                              | C             | C | A          |   |
| Waste and recycling (includes vehicle wrecking)                           | C             | P                              | P             | P | C          | SEPARATE OUT RECYCLING CENTERS FROM WRECKING YARDS AND LANDFILLS AND MAKE RECYCLING CENTERS CONDITIONAL IN URBAN, INST, COMMERCIAL - ALLOWED IN RURAL AND IND |
| Wholesale and auction sales   | A             | C                              | C             | C | A          |   |
| Accessory   |               |                                |               |   |            |   |
| Accessory agricultural uses   | A             | A                              | A             | A | A          |   |
| Accessory dwelling unit   | A             | A                              | A             | A | A          |   |
| Accessory feed lot  | A             | C                              | C             | C | C          |   |
| Accessory landing strip   | A             | A                              | A             | A | A          |   |
| Accessory parking   | A             | A                              | A             | A | A          |   |
| Accessory wind turbine, small scale                                       | A             | A                              | A             | A | A          |   |
| Accessory wireless communication antenna                                  | A             | A                              | A             | A | A          |   |
| Bed and breakfast establishment   | A             | A                              | A             | A | A          |   |
| Home occupation   | A             | A                              | A             | A | A          |   |
| Residential use accessory to a primary use (caretaker's residence)        | A             | A                              | A             | A | A          |   |
| Temporary   |               |                                |               |   |            |   |
| Onsite real estate office   | A             | A                              | A             | A | A          |   |
| Seasonal commercial use   | A             | A                              | A             | A | A          |   |
| Temporary use of open land for large meetings, circuses, carnivals, etc.  | A             | A                              | A             | A | A          |   |

A = Allowed uses (no permit)

C = Conditional use permit required

P = Prohibited uses



# Memo

TO: Ravalli County Board of County Commissioners

FROM: Vanessa Morrell

DATE: July 3, 2008

SUBJECT: Farmland Valuation Working Group

This memo is intended to address some of the issues facing valuable agricultural lands in Ravalli County and outline recommendations for the creation of a Farmland Valuation Working Group.

## Background:

A viable agriculture community and open lands are important to Ravalli County, supporting growth and maintaining some of the amenities that make Ravalli County a highly desirable place to live. Additionally, as food and fuel prices increase, a local, sustainable local food system becomes an increasing need. However, as the Bitterroot Valley grows, land prices rise, neighbors become disconnected, development pressure increases, and it becomes less and less viable for working farms and ranches to continue operations.

While it is essential that land owners be able to extract value from their lands, often, the most easily developable lands are our important farmlands. A farm is lost once its agricultural soils are paved over and its irrigation water spilt between multiple users. Fragmentation of agricultural lands also makes it difficult for those who try to stay in farming, threatening to tip the balance of the critical mass needed to support viable agriculture in the Bitterroot.

But how do we encourage a viable agricultural community in the Bitterroot Valley without compromising a land owners rights to extract value from their land? There are potentially a number of ways to address this question, depending on how it is further defined. It could be addressed through zoning or subdivision regulations; through an expansion of scope of the existing Open Lands Bond Program; with voluntary citizen incentives; and other non-traditional and creative solutions.

However, before a solution can be developed, the County needs to clearly define what they are trying to protect, which in this case is valuable agricultural lands. The challenges facing these agricultural lands should be clearly established before seeking solutions.

## Issues:

In the past year, the Board of County Commissioners (BCC) have been challenged with how to determine when there are significant impacts on agriculture resulting from subdivisions and how those impacts can be mitigated. The BCC have specifically been interested in the use of the

Bitterroot Soils Survey and associated farmland classifications in subdivision review. The BCC have met with the Natural Resource and Conservation Service, Planning Staff, and the County Attorney's Office to find a solution, but there are still questions.

On Friday June 27, 2008, the BCC met with the Right to Farm and Ranch Board to discuss zoning provisions related to farm and ranch lands and they also met with a subcommittee of the Planning Board to discuss mitigating the loss of agricultural land within subdivision review. During these meetings, it became apparent that in order to protect or mitigate the loss of valuable agricultural lands through subdivision or zoning, there needs to be a definition of valuable agricultural land. This definition should be guided by experts in the farming and ranching community. While the farmland soils classifications will most likely be an integral part of the definition, there may be other factors that determine whether or not land is valuable for agriculture. The two main issues are: 1. There is no clear definition for valuable agricultural land in Ravalli County. 2. The BCC need guidance from the farming and ranching community in defining valuable agricultural land and in devising creative ways to encourage a viable agricultural community.

#### Next Steps:

The Planning Department would like to recommend that the scope of the working group that was originally formed by the BCC to pursue a new farmland soils classification be broadened. The Farmland Valuation Working Group should be limited to the following items to be completed consecutively:

- 1- Establish criteria to identify valuable farmland;
- 2- Research and outline problems and challenges facing valuable agricultural lands, as well as the limitations under current County subdivision regulations and the proposed Countywide zoning to protect and maintain these lands;
- 3- Research and recommend solutions to the BCC to address the outlined problems and challenges. The BCC have specifically requested recommendations on how to mitigate the loss of valuable agricultural land in addition to other recommended solutions.

As discussed during the June 27, 2008 meeting, the Farmland Valuation Working Group will consist of the following members (this working group is a combination of a Planning Board subcommittee formed to recommend adequate mitigation for the loss of farmland in subdivision review and the list of people the BCC thought should pursue a new farmland soils classification):

2 Planning Board Members- Ben Hillicoss, Mary Lee Bailey  
Conservation District Representative- J.R. Iman  
NRCS Representative- Neal Svendsen  
RTFR Representative-  
Extension Representative-  
Irrigation District Representative-  
Farm Bureau Representative-  
Planning Staff Representative- Vanessa Morrell